

Remarks/Arguments

Claims 1-41 are pending in the application. Claims 1-41 are rejected. Claims 2-41 are cancelled. New claims 43-63 are introduced. No new matter is added.

Applicant voluntarily cancels claims 2-41 without surrender of the inventive subject matter to which these claims were drawn.

New claim 43 recites a "computer-executable program stored in a tangible, computer-readable medium." This is shown, for example, in par. [0111]. New claim 43 recites various "executable instructions." This is shown, for example, in pars. [0022] and [0111]. New claim 43 recites functions relating to display and proportional reduction. These functions are shown, for example, in pars. [0002]-[0003].

New claim 44 is supported, for example, by original claim 1.

New claim 45 is supported, for example, by Fig. 10

New claim 46 is supported, for example, by Fig. 10

New claim 47 is supported, for example, by Fig. 4.

New claim 48 is supported, for example, by Fig. 4.

New claim 49 is supported, for example, by original claim 3.

New claim 50 is supported, for example, by original claim 5.

New claim 51 is supported, for example, by original claim 4.

New claim 52 is supported, for example, by original claim 17.

New claim 53 is supported, for example, by original claim 34.

New claim 54 is supported, for example, by original claim 35.

New claim 55 is supported, for example, by original claim 36.

New claim 56 is supported, for example, by original claim 37.

New claim 57 is supported, for example, by original claim 41.

New claim 58 is supported, for example, by original claim 38.

New claim 59 is supported, for example, by original claim 39.

New claim 60 is supported, for example, by original claim 41.

New claim 61 is supported, for example, by Fig. 5.

New claim 62 is supported, for example, by Fig. 5.

New claim 63 is supported, for example, by pars. [0002]-[0003].

Applicant notes that the Office Action mailed September 26, 2008 incorrectly stated claim 42 was pending and examined this claim. Claim 42 was canceled by preliminary amendment filed November 14, 2005. Claim 42's proper status is "Cancelled" and is reflected in the listing of claims above.

A. Because Nason Does Not Teach or Suggest Adjusting the Desktop Display Area Residing inside of, But Not Including the Overscan Border, the Prima Facie Case for Anticipation of Claim 1 Has Not Been Made and Claims 43 and 63 Cannot Be Made.

Nason's graphical bar is located in the overscan area, not the desktop display area. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP 2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Claim 1 recites, in part, "adjusting parameters for the desktop display area residing *inside of*, but *not including* the overscan border." Claims 43 and 63 recite, in part, "interacting with a display area inside of, but not including, an overscan border."

However, Nason teaches "a graphical bar user interface displayed *in the overscan area*." Col. 6, lines 18-19. Nason's graphical bar is not "inside ... the overscan border" as claim 1 requires. Claim 1 expressly recites that the desktop display area does "not includ[e] the overscan border." This is most easily illustrated in the current application by Figs. 3a and 4. Note the addition of the blanked area colored black, while the striped overscan area remains the same between the figures. Also, note that the Windows task bar is below the blanked area,

showing that the blanked area is part of the active desktop area. In contrast, attention is drawn to Fig. 3 in Nason where the Windows task bar is above the graphical bar.

Thus, Nason does not teach or suggest “adjusting parameters for the desktop display area residing inside of, but not including the overscan border,” and a prima facie case has not been made for claim 1. Similarly, Nason does not teach or suggest “interacting with a display area inside of, but not including, an overscan border,” and a prima facie case cannot be made for claims 43 and 63. Furthermore, claims 44-62 depend on claim 43 and the prima facie case cannot be made for these claims for at least the same reason as parent claim 43.

B. Because Nason Does Not Teach or Suggest Adjusting the Desktop Display Area Residing inside of, But Not Including the Overscan Border, the Prima Facie Case for Anticipation of Claim 1 Has Not Been Made and for Claims 43 and 63 Cannot Be Made.

In addition, Nason does not teach or suggest “proportionally reducing the size and area of the operating system's active ‘desktop’ display” as recited in claim 1 or “proportional reduction of the display area” as recited by claims 43 and 63. In fact, Nason teaches the opposite – preserving the size of the display area before and after display of the graphical bar. Nason teaches, “For example, a standard 640x480 display is modified in accordance with techniques of the present invention to become a larger display, one section of which corresponds to the original 640x480 display while another section may correspond to a 640x25 secondary GUI display.” Col. 15, lines 52-57. Nason Fig. 3 shows the standard 640x480 pixel desktop area unchanged. Because the original 640x480 pixel display area is maintained at 640x480 pixels, there has been no “proportional reduction.”

Thus, Nason does not teach or suggest “proportionally reducing the size and area of the operating system's active ‘desktop’ display,” and a prima facie case has not been made for claim 1. Similarly, Nason does not teach or suggest “proportional reduction of the display area,” and a prima facie case cannot be made for claims 43 and 63. Furthermore, claims 44-62

depend on claim 43 and the prima facie case cannot be made for these claims for at least the same reason as parent claim 43.

C. Because Nason Does Not Teach or Suggest Addressing the Settings of the Video Mode, the Prima Facie Case for Anticipation of Claim 44 Cannot Be Made.

Claim 44 recites instructions that “address the operating system’s settings of the video mode.” The Office Action cites a portion of Nason, which lists standard video modes. Because Nason does teach or suggest this limitation, the prima facie claim of anticipation has not been made.

First, the cited portion merely teaches the *existence* of video modes or monitor resolution, not instructions that “address the operating system’s settings of the video mode.”

Second, Nason teaches that these modes are rigidly defined and enforced, not an available source of pixels for displaying the graphical bar. Nason teaches, “[T]he accessible area of the computer display may not be modified except by selecting another of the available predefined modes.” Col. 7, lines 22-24. Notably, the listed display modes are widely dissimilar. The current application gives, as an example in paragraph [0025], a vertical difference of 40 pixels and a horizontal difference of 40 pixels. However, none of the modes listed in Table 1 or Table 2 of Nason have a vertical difference of 40 pixels and a horizontal difference of 40 pixels.

Third, Nason teaches addressing the video driver hardware directly, not the settings. For example, Nason Fig. 8 teaches querying the hardware registry or the BIOS directly. Nason “resides ‘below’ the operating system [and] communicates directly to the driver level.” Col. 31, lines 59-62. Nason also teaches working with the operating system through an alternate display driver. However, this driver does not change video mode or resolution, but by “inserting a filter layer.” Col. 22, line 38. Thus, Nason does not teach or suggest instructions that “address the operating system’s settings of the video mode.”

Fourth, Nason teaches that adjusting the display mode by a small amount will fail. For example, Nason gives the example of modifying a "1024x768 table entry [to] become, for example, a 1024x800 entry." While this technique works to manipulate memory storage, this technique does not actually change the video display resolution. In fact, Nason teaches the opposite, that this technique "cannot actually change the video display resolution setting." Col. 16, lines 64-65.

For at least the reasons above, the prima facie case of anticipation has not been made for claim 44.

D. Because Nason Does Not Teach or Suggest That the Area Occupied by the Operating System's Graphical User Interface is Disposed Between the Persistent Portal Interface Area and the Overscan border, the Prima Facie Case for Anticipation of Claim 61 Cannot Be Made.

Claim 61 recites, "wherein the area occupied by the operating system's graphical user interface is disposed between the persistent portal interface area and the overscan border." Nason shows an interface located adjacent to the overscan border with no intervening space, much less the operating system's graphical user interface. See, for example, Figs. 3 and 15-18. This does not teach or suggest an "area occupied by the operating system's graphical user interface is disposed between the persistent portal interface area and the overscan border." Accordingly, the prima facie case of anticipation of claim 61 cannot be made.

E. Applicant Traverses the Office Action's Use of Official Notice.

Official Notice is available "where the fact noticed was readily verifiable, such as when other references of record supported the noticed fact, or where there was nothing of record to contradict it." MPEP 2144.03(B); *citing In re Soli*, 317 F.2d 941, 945-46, 137 USPQ 797, 800 (CCPA 1963). The Office Action asserts that "at least two of the modules are notoriously well known in the art."

However, claims 58 and 59 do not merely recite modules, they recite a computer-executable program stored in a tangible, computer-readable medium for interacting with a display area inside of, but not including, an overscan border, the program comprising two or three modules.

Furthermore, the Office Action does not provide a "clean and unmistakable" technical line of reasoning. The Office Action asserts these "at least two of the modules are notoriously well known in the art." However, the Office Action does not elaborate *which* of the modules are "notoriously well known." Accordingly, there is no clean and unmistakable line of reasoning.

In addition, "It is never appropriate to rely solely on 'common knowledge' in the art without evidentiary support in the record, as the principal evidence upon which a rejection was based." MPEP 2144.03(A); citing *In re Zurko*, 258 F.3d at 1385, 59 USPQ2d at 1697 ("[T]he Board cannot simply reach conclusions based on its own understanding or experience-or on its assessment of what would be basic knowledge or common sense. Rather, the Board must point to some concrete evidence in the record in support of these findings."). The Office Action provides no evidentiary support other than the conclusory statement that an unspecified number of an unidentified type of modules are "notoriously well known."

Applicant understands the number of modules originally recited may be time-consuming to search. In the interest of accelerating prosecution, Applicant has removed roughly half of the previously recited modules in new claims 58 and 59.

Nothing herein should be deemed as a disclaimer or surrender of any rights, an acquiescence in any rejection, or a waiver of any arguments that might have been raised but were not raised herein or otherwise in the prosecution of this application. Applicant reserves all rights and subject matter with respect to claims being or to be pursued in this or a related application.

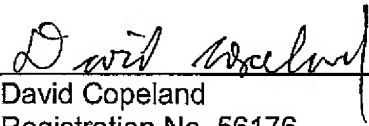
CONCLUSION

Applicant submits that in view of the foregoing remarks and/or amendments, the application is in condition for allowance, and favorable action is respectfully requested.

The Commissioner is hereby authorized to charge any fees, including extension fees, or to charge any additional fees or underpayments, or to credit any overpayments, to the Credit Card account referenced and authorized via the EFS Web (Electronic Filing System). As an alternative, in case the Credit Card cannot be processed, the Commissioner is hereby authorized to charge any fees, additional fees, or underpayments, or to credit any overpayments, to Deposit Account No. 50-1001.

Respectfully submitted,

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